

08 CV 01649

~~Trade Performance~~

Nourse & Bowles, LLP
 Attorneys for Plaintiff
 One Exchange Plaza
 At 55 Broadway
 New York, New York 10006
 (212) 952-6200
 Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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	:	
CHARLES WEISS, as the owner of the	:	08 Civ.
sailing yacht SERENGETI	:	
	:	
Plaintiff,	:	VERIFIED
	:	COMPLAINT
	:	
- against -	:	
M/V NORWEGIAN MAJESTY, her engines,	:	
machinery and other appurtenances, <u>in rem</u> and	:	
Norwegian Cruise Line, <u>in personam</u> ,	:	
	:	
Defendants.	:	ECF Case
	:	
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Charles Weiss, as the owner of the sailing yacht, SERENGETI, by his attorneys,
 Nourse & Bowles, LLP, alleges upon information and belief as follows:

1. This is a case of Admiralty and Maritime jurisdiction, as hereinafter more fully appears and is an Admiralty or Maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

2. At all times hereinafter mentioned, plaintiff, Charles Weiss, was and still is a resident of the United States, currently residing in Wilson, Wyoming, and was and is the owner of the sailing yacht SERENGETI which, prior to the collision hereinafter described, was tight, staunch and seaworthy.

3. The sailing yacht SERENGETI, which is 60 feet in length, was built in 2003 of composite materials, including fiberglass and carbon fiber. She is registered under the laws of the United States and her home port is Newport, Rhode Island.

4. At all material times, defendant, Norwegian Cruise Line, was and still is the owner of the M/V NORWEIGAN MAJESTY, and was and still is a corporation or business entity existing under the laws of a foreign country and was and still is doing business within this district and within the jurisdiction of this Honorable Court.

5. The M/V NORWEIGAN MAJESTY is a passenger cruise vessel, built of steel in 1992. She is over 660 feet in length, over 105 feet in breadth and is of 40,876 gross registered tons, and was, at all times hereinafter mentioned, a vessel registered under the laws of the Bahamas.

6. On the morning of May 10, 2005, in broad daylight, while the sailing yacht SERENGETI was properly anchored within a defined anchorage area in St. Georges Harbor, Hamilton, Bermuda, the NORWEIGAN MAJESTY entered the anchorage area and violently collided with the SERENGETI causing extensive damage to it.

7. The collision and all injury, loss, destruction and damage occasioned thereby or resulting therefrom were not caused or contributed to by any fault, negligence or want of due care on the part of plaintiff or the sailing yacht SERENGETI or those in charge of her, or by any persons for whom plaintiff is or was responsible, but were due solely to and caused wholly by fault, gross negligence, unseaworthiness and lack of due care on the part of the M/V NORWEGIAN MAJESTY and by fault, gross negligence and lack of due care of defendant, Norwegian Cruise Line, in a number of respects which will be shown at the trial of this action.

8. By reason of the aforesaid collision, plaintiff, Charles Weiss, lost the use of the SERENGETI for about one year and has suffered damages in the amount of at least \$235,000, as near as the same can presently be estimated, no part of which sum has been paid by defendants although duly demanded.

9. Defendants, through their underwriters, have agreed to appear and cause a claim to defend the M/V NORWEGIAN MAJESTY, in rem, to be filed in the instant action.

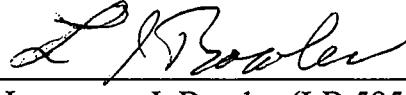
WHEREFORE, plaintiff demands that:

- (a) Process issue in personam against defendant Norwegian Cruise Line;
- (b) Judgment issue in favor of plaintiff and against the defendant M/V NORWEGIAN MAJESTY, in rem, and against defendant Norwegian Majesty Cruise Line, in personam, for all damages as aforesaid, together with interest and costs; and

(c) Plaintiff may have such further, other or different relief as may to this Honorable Court appear just.

Dated: New York, New York
February 13, 2008

NOURSE & BOWLES, LLP
Attorneys for Plaintiff, Charles Weiss

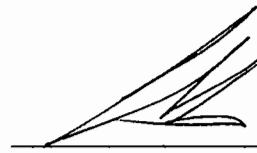
By: 
Lawrence J. Bowles (LB 5950)
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Verification

STATE OF Wyoming)
COUNTY OF Teton) ss:
)

CHARLES WEISS, being duly sworn, deposes and says:

I am a the owner of the sailing yacht SERENGETI and I have read the foregoing Verified Complaint and know the contents thereof and that the same are true to the best of my knowledge, information and belief.



Charles Weiss

Sworn to before me this
February day of 12th, 2008



Tracy Anders
Notary Public

